

REMARKS

Status of the Claims

- Claims 1, 3, 5-8, 10, 11 and 16-19 are pending in the Application.
- Claims 1, 3, 5-8, 10, 11 and 16-19 are rejected by Examiner.
- Claim 1 and 8 are amended for clarity only.

Interview Summary

Applicant's representative is grateful that the Examiner granted an telephone interview held on 2/22/2006. During the interview, Applicant's representative and the Examiner discussed the Office Action dated 12/15/2006. Specifically, the 35 USC §112 rejection and the combination of references in the 35 USC §103 rejection were discussed. Both parties agreed that an amendment to Claims 1 and 8 which clarifies the ESP as a "unit" which contains a processor would resolve the clarity issue.

Applicant's representative also again noted that the Embedded Services Processor (ESP) communicates across an external network to a remote external server computer that performs remote multimedia processing for the messaging platform. This configuration and operation is diametric to Hyde-Thompson et al. which teaches performing text-to-speech conversion locally. It was noted that, according to MPEP 2143.01, Hyde-Thompson et al. would be rendered unsuitable for its intended purpose and would change the principle of operation if modified to remove multimedia processing. The Examiner agreed with this logic.

The Examiner encouraged Applicant's representative to correct the 35 USC §112 rejection with the addition of the term "embedded services processor unit" to Claims 1 and 8 and then request a Notice of Allowance.

Claim Rejections Pursuant to 35 U.S.C. §112

Claims 1 and 8 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claiming the subject matter which applicant regards as his invention. Specifically, the Examiner, cites lines 10-12 in Claims 1 and 8 that state "one embedded services processor(ESP), ...comprising a

processor,...". The Examiner states that this limitation makes the subject matter unclear and indefinite.

Applicants would like to highlight that the Embedded Services Processor (ESP) is the name of an electronic entity that contains its own processor, memory, and operating system per the specification on page 8 lines 21-24. Accordingly, the meaning of Embedded Service Processor (ESP) is easily understood by those of skill in the art in light of the specification. However, to enhance clarity, and not to overcome any reference, Applicants have amended Claims 1 and 8 to reference the term "ESP" as an embedded services processor unit (ESP). This amendment should clarify that the term "ESP" refers to an electronic unit or entity which includes a processor, memory and operating system as recited in Claims 1 and 8. Applicants respectfully request that the 35 USC §112 rejection be withdrawn.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1, 3 and 7-8 and 10-11 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,487,533 to Hyde-Thompson et al. in view of U.S. Patent No. 6,487,533 to Osborne and in further view of U.S. Patent No. 6,295,302 to Hellwig et al. Applicants respectfully traverses the rejection.

I. The combination of *any* reference which teaches performing multimedia processing remote (external) to the *unified* (internal) messaging system of Hyde-Thompson et al. renders Hyde-Thompson *both* unsatisfactory for its intended purpose and changes the principle of operation of Hyde-Thompson et al. which precludes a motivation to combine per MPEP §2143.01 Sections V and VI.

MPEP §2143.01 recites:

V. THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Applicants note that Hyde-Thompson et al. discloses a multiplicity of text-to-speech (TTS) converters and corresponding phoneme libraries, trigraph analyzers and corecurrence libraries to support the primary function of *local language identification and text to speech conversion* in the unified and integrated (not distributed) messaging system. As stated in Hyde-Thomson et al.:

The present invention is a *unified messaging system* providing automatic language identification *for the conversion of textual messages into speech*.(col. 2 lines 41-43).

The voice gateway server preferably comprises a voice board, a network interface unit, a processing unit, a data storage unit, and a memory wherein a set of voice messaging application units; a message buffer; *a plurality of text-to-speech engines and corresponding phoneme libraries*; a trigraph analyzer; and a set of corecurrence libraries reside. (col. 2, lines 54-59.)

In response to a text message review request, the message inquiry unit initiates *automatic language identification operations, followed by a text-to-speech conversion performed in accordance with the results of the language identification operations*. (col. 2, line 67 through col. 3, line 5).

The message inquiry unit subsequently selects a text-to-speech engine and an associated phoneme library, and *initiates the conversion of the text message into computer-generated speech* that is played to the subscriber in a conventional manner. (col. 3 lines 18-22).

Those skilled in the art will recognize that the teachings of the present invention are *applicable to essentially any unified or integrated messaging environment*. (col. 3, lines 61-64).

Hyde-Thompson et al. teaches a unified or integrated (not distributed) messaging system providing automatic language identification for the conversion of textual messages into speech as a major aspect of the invention. Applicants note that Figure 2 of Hyde-Thompson et al. contains 5 instances of a text to speech (TTS) engines, 5 instances of phoneme libraries to be used with the TTS engines, 1 trigraph analyzer and 5 instances of

corecurrence libraries to be used with the language determination and subsequent TTS conversion. Applicants submit that this large population of functionality supports the above cited text that a major purpose of Hyde-Thompson et al. is a single (unified or integrated) messaging system providing internal conversion of text to speech. Text-to-speech is a multi-media functionality. Applicants submit Hyde-Thompson does not teach or suggest performing the conversion of text to speech remotely (distributed externally) as recited in Claims 1 and 8 where an external server computer is recited.

The Examiner proposes to modify Hyde-Thompson et al. with Hellwig et al. to include a network interface that supports an IP protocol. Claim 1 recite "a network interface that supports an IP protocol for communicating between said ESP and a network external to said messaging system, the network connecting to at least one remote external server computer, wherein *the remote external server computer provides multi-media processing* for the messaging platform." Claim 8 recites "executing at least one multimedia application for the messaging platform on an external server computer *remotely* located on said external network."

Thus, Claims 1 and 8 recite performing multimedia processing remotely. This is the opposite of the teachings of Hyde-Thompson et al. which performs multi-media processing, such as text to speech conversion, wholly within the internal local voice gateway 140. There is no teaching or suggestion that Hyde-Thompson et al. can be modified to use an external server computer, accessible via an embedded services processor within its NIU, to perform multimedia processing remotely as indicated in Claims 1 and 8. Applicant notes that Claims 1 and 8 can be distinguished from Hyde-Thompson et al. because, as stated above, Hyde-Thompson et al. explicitly addresses a unified or integrated environment (col. 3 lines 61-64), which is the opposite of a remote or distributed environment. Thus, Hyde-Thompson actually teaches away from Claims 1 and 8.

Also, Applicants submit that if Hyde-Thompson were modified to include multimedia processing remotely, then the modification would render Hyde-Thompson both unsuitable for its original purpose as a "UNIFIED MESSAGING SYSTEM WITH AUTOMATIC LANGUAGE IDENTIFICATION FOR TEXT TO SPEECH CONVERSION" (Hyde-Thompson et al., Title of invention) as well as change the Hyde-Thompson et al. principle of operation.

Hyde-Thompson et al. features fully integrated or unified Text-To-Speech (TTS) conversion engines and corresponding phoneme libraries inside the voice gateway. Hyde-Thompson et al teaches:

“In the preferred embodiment, the voice gateway server 140 comprises a voice board 200, a network interface unit 202, a processing unit 204, a data storage unit 206, and a memory 210 wherein a plurality of voice messaging application units 220, 222, 224, 226; a message buffer 230; *a set of text-to-speech engines 242, 243, 244* and corresponding phoneme libraries 252, 253, 254; a trigraph analyzer 260; and a plurality of corecurrence libraries 272, 273, 274, 275, 276 reside.” (col. 4, lines 28-36).

Applicants submit that the modification of Hyde-Thompson et al. with any reference that teaches external multi-media processing, such as Hellwig et al., renders useless the multiplicity of internal TTS engines and multiple internal support libraries of Hyde-Thompson et al. As stated before, generating a modification to a prior art reference that renders the prior art reference unsatisfactory for its intended purpose establishes that there is no suggestion or motivation to make the proposed modification (MPEP 2143.01 Part V).

Applicants submit that the intended purpose of the unified messaging system of Hyde-Thompson et al. is to fully integrate the TTS engines into the messaging system so that Text-To-Speech services can be performed in a single unit, integrated fashion. Modifying Hyde-Thompson to perform multimedia services remotely, such as performing TTS services remotely, would frustrate the primary design and purpose of Hyde-Thompson et al. because the internal multimedia processing of Hyde-Thomson et al. would be rendered useless. Specifically, the five (5) instances of TTS engines 242, 243, 244, 245 and 246, and the five (5) instances of corresponding phoneme libraries 252, 253, 254, 255, and 256, the one instance of trigraph analyzer 260, and the five (5) instances of corecurrence libraries 272, 273, 274, 275, and 276 which are shown in Figure 2 of Hyde-Thompson et al. would be rendered useless by the shifting of multimedia processing out of the unified or integrated message system of Hyde-Thompson et al. to a remote unit.

Therefore, a prima facie case of obviousness cannot be made by removing the well described functionality of performing text-to-speech multimedia conversion from the unified or integrated messaging system of Hyde-Thompson et al. in order to perform those functions remotely. Specifically, the modification of Hyde-Thompson et al. with the teaching of

Hellwig et al. (or any other reference that could support remote access of multimedia processing) would render Hyde-Thompson et al. unsuitable for the purpose of a unified messaging system that performs internal text-to-speech conversion. Thus, Hyde-Thompson et al. cannot be modified by Hellwig et al. to form a prima facie case of obviousness because *there is no motivation to combine Hyde-Thompson et al. with any reference that would render Hyde-Thompson et al. unsatisfactory for its intended purpose* according to MPEP 2143.01 part V.

In addition, Applicants submit that Hyde-Thompson et al. derives at least part of its unified or integrated functionality from the integrated TTS engines and associated phoneme libraries (See col. 2 lines 40-43, and col. 4 lines, 28-36). Applicants submit that one principle of operation that Hyde-Thompson et al. relies upon is the use of the internal TTS engines to provide TTS services. As reproduced above, Hyde-Thomson et al. discloses as part of its Summary of the Invention:

The message inquiry unit subsequently selects a text-to-speech engine and an associated phoneme library, and *initiates the conversion of the text message into computer-generated speech* that is played to the subscriber in a conventional manner. (col. 3 lines 18-22).

Figure 3 at step 314 indicates a text to speech selection. Col. 7 lines 13-16 describes step 314 as follows:

Upon receiving the language identifier and an acceptable likelihood value, the message inquiry unit *226 selects the appropriate text-to-speech engine 242, 243, 244, 245, 246 in step 314.* (col. 7, lines 13-16).

Thus, Hyde-Thompson et al. explicitly uses the internal capability of the TTS engines 242, 243, 244, 245, 246 (See Figure 2) as a basis for operating the disclosed messaging system. Applicants submit that if Hyde-Thompson et al. is combined with *any* reference that teaches the use of an external, remote multimedia processing instead of local internal processing by the built-in TTS engines of Figure 2, then the unified or integrated principle of operation of Hyde-Thompson et al. is changed in violation of MPEP §2143.01 Part VI. Accordingly, the combination of any prior art with Hyde-Thompson et al. which teaches remote multimedia processing are not sufficient to render the claims prima facie obvious per MPEP §2143.01 Part VI. As an example, the teachings of Hellwig et al. are not sufficient to render the claims prima facie obvious.

Applicants note that page 4 of the present Office Action dated 12/15/2006 identifies the embedded services processor with a TTS engine 242 of Figure 2 of Hyde-Thompson et al. in the rejection of Claim 1. Applicants disagree that Claim 1 recites a TTS engine. Applicants have identified a TTS engine as a multimedia function. Claim 1 recites that the remote server computer provides multi-media processing for the messaging platform. Therefore, the embedded services processor cannot be identified with a TTS engine of Hyde-Thompson et al. because such a conclusion would be adverse to the recitation of Claim 1. The same rationale is applied to Claim 8. In as much as the Examiner has relied upon the embedded services processor to correspond to a TTS engine of Hyde-Thompson et al., and that reliance is misplaced because the correspondance contradicts other elements of the same claim, then a proper prima facie case of obviousness has not been made because all of the elements of Claims 1 and 8 have not been identified in the cited art.

In summary, a prima facie case of obviousness cannot be made with the combination of Hyde-Thompson et al. Osborne, and Hellwig et al. because *any* reference added to Hyde-Thompson which either renders the invention of Hyde-Thompson et al. unsatisfactory for its intended purpose or changes the principle of operation of Hyde-Thompson et al. is not a valid combination for a 35 USC §103(a) rejection according to MPEP §2143.01 Parts V and VI. In this specific instance, the modification of Hyde-Thompson et al. by the modifying reference (Hellwig et al.) to perform multimedia processing remotely performs both prohibitions stated in MPEP §2143.01; the modifying reference renders Hyde-Thompson et al. unsuitable for its intended purpose (MPEP §2143.01 Part V) and changes the principle of operation of Hyde-Thompson et al. (MPEP §2143.01 Part VI). This conclusion comports with the observation that Hyde-Thompson et al. actually teaches away from the current invention of Claims 1 and 8 as stated above.

Applicants note that this same condition existed in the previous Office Action dated 5/4/2005 wherein the Examiner used the combination of references of Hyde-Thompson et al., Osborne, and Picard et al. The Examiner's change from Picard et al. to Hellwig et al. does not change the earlier made and presently refined conclusion that a prima facie case of obviousness cannot be made if the reference to be modified is rendered unsatisfactory for its intended purpose as stated in MPEP §2143.01.

Applicants respectfully request withdrawal of the 35 USC §103 (a) rejection of Claims 1, 3, 7-8 and 10-11 because the rejection is improper per MPEP 2143.01 Parts V and VI and because these claims patentably define over the cited art as expressed in both the present Office Action response and in the response dated July 1, 2005 to the Office action dated May 4, 2005.

Other Claim Rejections Pursuant to 35 U.S.C. §103

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,487,533 to Hyde-Thompson et al. in view of U.S. Patent No. 6,487,533 to Osborne and in further view of U.S. Patent No. 6,295,302 to Hellwig et al. and in further view of U.S. Patent No. 5,283,879 to Carteau et al.

Claims 16-19 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,487,533 to Hyde-Thompson et al. in view of U.S. Patent No. 6,487,533 to Osborne and in further view of U.S. Patent No. 6,295,302 to Hellwig et al. and in further view of U.S. Patent No. 6,396,907 to Didcock et al.

Applicants respectfully traverse these rejections. Claims 5, 6, 16 and 17 are ultimately dependent on independent Claim 1. Claims 18 and 19 depend on independent Claim 8. As mentioned above, Hyde-Thompson et al. cannot be combined with any reference that teaches remote multimedia processing, including Hellwig et al. et al., without rendering Hyde-Thompson et al. unsatisfactory for its intended purpose and without changing the principle of operation of Hyde-Thompson et al. Accordingly, a prima facie case of obviousness against Claims 1 and 8 cannot be made using any combination of references that includes Hyde-Thompson et al. Thus, dependent Claims 5, 6 and 16-19 patentably define over the cited art as do independent Claims 1 and 8. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of Claims 5, 6 and 16-19 as they patentably define over the cited art.

DOCKET NO.: USYS-0065 / (TN208)
Application No.: 09/636,656
Office Action Dated: 12/15/2005

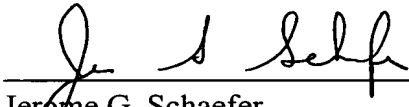
PATENT

Conclusion

In view of the above-mentioned clarifying amendments, Applicants submit that the present application is in a condition for allowance. A Notice of Allowance for all pending claims is earnestly solicited because the claims patently define over the cited art.

Respectfully submitted,

Date: February 22, 2006



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